

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT SOUTHERN GEORGIA

FILED
U.S. DISTRICT COURT
BRUNSWICK DIV.

2021 OCT 12 P 1:02

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SO. DIST. OF GA.

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Civil Action No. CV221-096

Plaintiff,

Non-Jury Trial Requested

v.

ICANN
LEGAL DEPARTMENT
12025 Waterfront Drive
Suite 300
Los Angeles, CA 90094-2536
Telephone: 310-301-5800
email: UDRP@ICAN.org

Sotheby's Inc.
Charles F. Stewart Chairman
1334 York Av
New York, NY 10021
Telephone: 212-606-7000
Email: Enquiries@Sothebys.com

SPTC, Inc. (aka Sotheby's)
1400 S. Virginia Street
Reno, Nevada 89502
Telephone: 212-606-7000
Email Unknown

ADR FORUM
6465 Wayzata Blvd
Suite 480
Minneapolis, MN 55426
Telephone: 952-516-6400
Email: Info@ADRForum.com

Go Daddy Inc.
14455 North Hayden Rd
#919
Scottsdale, Arizona 85260
Telephone 480-366-3549
Email: UDRPDisputes@GoDaddy.com

Defendants.

COMPLAINT FOR DECLARATORY, INJUNCTIVE RELIEF

seeking requested Documents from GoDaddy that were unavailable in order to dispute Sotheby's allegations because of the ICANN rules limiting time to respond to a complaint.

2/ This is also an action under the Administrative Procedure Act (APA)

We are questioning the legitimacy of ICANN (International Commission for the Assignment of Names and Numbers) Policies and Procedures under the APA (Administrative Procedure Act) as we contend they are acting as an agency for the Commerce Department but are not following APA Rules.

We are distressed that their implemented rules and procedures are not actionable or debatable or to be challenged under what can only be described as a self-regulating lumbering Monopolistic Behemoth who is self-serving and non-responsive to the needs of the vast majority of Domain Name Registrations.

IV RELIEF Requested.

1/ A permanent Injunction of Adverse the Decision Rendered in this matter

2/ That the Court Declare the ICANN to be an agency of the Commerce Department and as such subject to all rules under the APA

3/ An Order that ICANN re-evaluate the current rules and policies and Procedures

4/ That the Court Order ICANN to conduct a comprehensive review of ALL Providers and Panelists in light of past bad actions that have been ignored.

5/ In the event that this Court cannot give the Relief requested above we ask for a mediation of this matter as the court may deem appropriate.

6/ Any other relief that this Court may seem fit to provide.

7/ We have not asked this court to provide monetary damages unless this court deems appropriate. We do however ask that this Court oversee any reorganization of ICANN This Court may find necessary. We believe this process promulgated by ICANN to be seriously flawed and pray that this Court can find a way to make it workable for all participants in the future.

V CERTIFICATION AND CLOSING.

Under the Federal Rules of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

V

A.I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of Signing 10/12/21

II/ Basis for Jurisdiction

Under 28 U.S.C. ss 1332 This is a case in which The Plaintiff is a Citizen of Georgia filing an action against defendants are all from different States within The United States .

A/ We believe the basis for Federal Court Jurisdiction is valid as there are both Federal Questions as well as Diversity of Citizenship.

B/ The Basis for Jurisdiction based upon Diversity of Citizenship is as follows:

Plaintiff is an individual Michael Harris who is a Citizen of the State of Georgia

The Defendants are:

1/ ICANN is a Corporation incorporated under the Laws of California and has its principal Place of Business in Los Angeles in the State of California

2/ Sotheby's Inc. Is a Corporation In the State of New York and whose principle place of business is in New York City, New York

3/ SPTC,Inc. is a Corporation Registered in the State of Nevada Whose Business seems to be primarily out of the State of New York

4/ ADR FORUM Inc. is a registered Corporation in the State of Minnesota and who principle place of Business is in Minneapolis, Minnesota

5/ Go Daddy Inc. Is registered Corporation in the State of Arizona and whose Principal Place of Business is in Scottsdale, Arizona

III/ Statement of Claim

1. This is a civil action for declaratory and injunctive relief; the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202

We are ASKING THE Court to find the UDRP (Uniform Dispute Resolution Procedure) #FA2108001961598 (Sotheby's and SPTC v Harris) Arbitration process and resulting ruling was Fatally Flawed; whereas ICANN failed to properly parse the "Provider" and we believe allowed Sotheby's Counsel of Record in those proceeding to have specifically chosen ADR Form ADR FORUM whose history is tainted by a Consent Decree in their previous corporate iteration as an arbitration Provider for bad behavior and is also known to be a pro Claimant Provider.

Further Panelist hired by ADR Forum who decided this case has a history of bad decisions in favor of Complainants in these type of cases. We Believe a Discovery Process will illuminte these concerns and claims.

Most people are not aware That ICANN "Rules and Procedures" are a required agreement when obtaining any Domain name- we find this unfathomable and are not understandable for the majority of Domain Name Users.The Process is cumbersome, often needing legal counsel to respond. Only one party chooses the Provider which lends itself to possible collusion between a Complainant and the Provider.

We Believe maintain claims of "Bad Faith" are false, malicious and attempt to "Bully" Plaintiff (Against ICANN Rules) into submission by Sotheby's legal Counsel in those proceedings. We fervently reject the finding of Bad Faith to be false.

By virtue of this Legal filing we have caused GoDaddy from Transferring the Disputed Domain Name to Sotheby's in accordance with ICANN Rules under UDRP. We seek to make that permanent. We are also still

Signature of Plaintiff:

A handwritten signature in blue ink, appearing to be 'MH', written over a solid black horizontal line.

Printed name of Plaintiff: Michael Harris